

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<u>CASSIUS CLAY, Sr.</u>)	
)	
v.)	C.A. No. 05-125 Erie
)	District Judge McLaughlin
TRACEY REEVES, et al.,)	Magistrate Judge Baxter
Defendants.)	

ORDER

On April 28, 2005, Plaintiff, an inmate acting *pro se*, filed the instant action. Named as Defendants are: Tracey Reeves, Joanne Miller and Richard Gaydos of the Accounting Department of SCI-Greensburg; Candis Brimmer, Mail Room Supervisor; Jack Loughry, Business Manager; Angie Marheafka, Grievance Coordinator and Warden's Secretary; L.P. Bennings, Warden; D.J. Wakefield, Warden; Sharon Burks, Chief Grievance Officer of the Department of Corrections; and Jeffrey Beard, Secretary of Corrections. As relief, Plaintiff seeks monetary damages, as well as declaratory and injunctive relief.

Defendants have filed motions to dismiss. In the abbreviated brief in support of their motions to dismiss, Defendants summarize the claims as "the crux of the complaint is that Plaintiff does not agree with state court orders to pay child support in arrears." Document # 27, page 1.

Defendants have completely mis-characterized Plaintiff's claims. Plaintiff claims that Defendants have acted together to deprive him of his property in the form of money that was erroneously paid out in contradiction of a valid child support order, and that Defendants denied him access to courts by failing to advance him funds after the erroneous payout left him without funds to prosecute an appeal of his criminal case. Plaintiff further alleges that Department of Corrections policy DC-ADM 005 is unconstitutional.

In their motions to dismiss, Defendants have not adequately addressed any of the issues raised in Plaintiff's complaint. Therefore, the motions to dismiss should be dismissed without

prejudice.

AND NOW, this 27th day of June, 2006,

IT IS HEREBY ORDERED that Defendants' motions to dismiss [Documents # 26 and 36] be DISMISSED without prejudice.

IT IS FURTHER ORDERED that on or before July 21st, 2006, Defendants may file either another motion to dismiss which responds to all of the claims raised in the complaint or they may file an answer. No extensions of time will be granted without good cause shown.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge